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Letter dated 2 March 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), I have the honour to refer to your letter dated 30 January 2009 (S/2009/62) and in accordance with paragraph 9 of Security Council resolution 1810 (2008), I transmit herewith the annual programme of work of the Committee for the period from 1 February 2009 to 31 January 2010 (see annex).

I would appreciate it if you would bring the present letter and its annex to the attention of the members of the Security Council and have them circulated as a document of the Council.

(*Signed*) Jorge **Urbina**
Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

09-25680 (E) 110309

Annex

[Original: English]

Programme of work of the Security Council Committee established pursuant to resolution 1540 (2004) from 1 February 2009 to 31 January 2010

The eighth programme of work of the Committee established pursuant to resolution 1540 (2004) covers the period from 1 February 2009 to 31 January 2010.

Following the renewal of its mandate by the Security Council, the Committee has agreed on the following work programme to fulfil its responsibilities under Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008).

The Security Council, in its resolution 1810 (2008), decided that the Committee should continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through its programme of work, which includes the compilation of information on the status of States' implementation of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation, and which addresses in particular all aspects of paragraphs 1 and 2 of that resolution, as well as of paragraph 3, which encompasses (a) accountability, (b) physical protection, (c) border controls and law enforcement efforts and (d) national export and trans-shipment controls, including controls on providing funds and services such as financing to such export and trans-shipment.

The Security Council, in its resolution 1810 (2008), further decided that the Committee would submit to the Council a report no later than 24 April 2011 on compliance with resolution 1540 (2004) through the achievement of the implementation of its requirements. This work programme constitutes part of the work towards that end.

The Committee will continue to work with Member States on the implementation of Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008), guided by the principles of transparency, equal treatment and consistency in approach.

The Committee will focus its attention on, but not limit it to, five main areas of work:

1. *Organizing a comprehensive review of the status of implementation of resolution 1540 (2004) and reporting to the Security Council on its outcome when completed*

The Committee will:

- Agree on modalities for the review by 28 February 2009
- Complete the review within the current programme of work

2. *Increasing its knowledge by examination of the information on the status of implementation of resolution 1540 (2004), including through:*

Encouraging more Member States to report and encouraging all Member States to share additional information;

The Committee will:

- Continue its active approach, including by correspondence, informal meetings with regional groups and other outreach activities, to remind States that have not yet submitted their first reports to do so without further delay, with special attention to regions with the lowest reporting rates
- Research publicly available websites of Governments and international organizations in order to identify legislation and other measures for States that have yet to report and, in an effort to encourage them to prepare and submit their first report, share that information with those States in the form of a matrix
- Continue examining incoming first or subsequent reports from States and make available to them the findings of the examination along with requests for clarification or for updates on relevant legislation and enforcement measures
- Encourage and assist States that submitted a first report to provide additional information as an ongoing process
- In line with the requirements of paragraph 10 of resolution 1810 (2008), address all aspects of resolution 1540 (2004), in particular all aspects of paragraphs 1, 2 and 3
- Continue to maintain and update matrices for reporting States, including posting to the Committee's website and taking into account additional information received from States
- Undertake further examination in areas where the initial examination of reports revealed gaps in information or implementation related to all aspects of the resolution encompassing all measures required, for each type of weapon, or their respective means of delivery, and for the materials related to them, including amending the matrices where helpful
- Undertake consideration of the obligations and requirements under resolutions 1540 (2004), 1673 (2006) and 1810 (2008), based on examination by the experts, to identify areas for further work by the Committee
- Continue identifying, in its future work on examination of the national reports, national practices in implementing resolution 1540 (2004) that might be used in providing further general and specific guidance upon request, to States seeking assistance in implementing the resolution
- Regularly update and expand, as appropriate, its legislative database and encourage States to make appropriate use of the background information provided through it
- In line with the requirements of paragraph 4 of resolution 1810 (2008), encourage States to prepare on a voluntary basis summary action plans, with the assistance of the Committee established pursuant to resolution 1540 (2004)

as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004)

3. *Outreach, dialogue, assistance and cooperation to promote implementation of all aspects of resolution 1540 (2004), including through:*

(i) *Continuing to organize and participate in outreach events at the regional, subregional and, as appropriate, national level, engaging actively with States and relevant international, regional and subregional organizations to promote the sharing of experience and lessons learned, and liaising on the availability of programmes which might facilitate the implementation of resolution 1540 (2004);*

The Committee will:

- Maintain transparency as an important objective of the work of the Committee. In this regard, the Committee will further interact on a regular basis with States Members of the United Nations and will regularly update its website (http://www.un.org/sc/1540/)
- Continue to brief the Security Council and the Member States formally and informally about the work of the Committee and the obligations and requirements of resolution 1540 (2004)
- Make use of the meetings of international, regional and subregional organizations and other arrangements to address the obligations of States to implement resolution 1540 (2004) fully, and invite representatives of those organizations to participate in Committee-sponsored meetings and workshops
- With the assistance of its experts, produce and update regularly, and at least monthly, a forward calendar of outreach events that covers periods of at least six months into the future, taking into account the importance of coordination with the outreach activities of the Counter-Terrorism Committee and the Committee established pursuant to resolution 1267 (1999)
- Play a full part in regional seminars and events that raise awareness and promote implementation of resolution 1540 (2004)
- Encourage States to promote dialogue and cooperation to address the threat posed by illicit trafficking in nuclear, chemical or biological weapons and their means of delivery, and related materials
- As awareness of the requirements and obligations of resolutions 1540 (2004), 1673 (2006) and 1810 (2008) grows, focus more on outreach towards the development of the capacity of Member States to implement these requirements and obligations

(ii) *Tailored dialogue with States and groups of States about full implementation of resolution 1540 (2004);*

The Committee will:

- Pursue an ongoing dialogue with States on the implementation of all aspects of resolution 1540 (2004), including on further actions needed from States and on technical assistance needed and offered

- As part of that dialogue, respond to specific requests by Member States to help to identify priorities in the process of national implementation of resolution 1540 (2004) in full
- Maintain dialogue with States in order to identify gaps in their legislative framework and their enforcement measures and, if requested, assist them to develop road maps or plans of action for addressing remaining measures to be taken to implement the resolution fully
- Continue the dialogue with States on the basis of their matrices endorsed by the Committee in order to examine the implementation of the resolution
- Widen and intensify regional and subregional outreach activities with a view to providing, on the specific request of a State or a group of States, in a structured manner, guidance to that State/those States to implement their obligations under resolution 1540 (2004)
- Harmonize, where appropriate, or adjust its outreach activities to meet the needs of individual States
- Encourage States in particular regions or with similar national priorities to share lessons learned
- Provide its representatives who are participating in dialogue and outreach activities with the best available information about the status of implementation, identified gaps, assistance needs and donor capabilities in advance of those members' and experts' participation in dialogue and outreach
- Encourage groups of States facing similar challenges to reporting or to national implementation to work together, allowing each of them to submit national reports and fulfil their obligations

(iii) Encouraging States that have requests for assistance to convey them to the Committee established pursuant to resolution 1540 (2004);

(iv) Continuing to strengthen the Committee's role in facilitating technical assistance for implementation of resolution 1540 (2004), including by engaging actively in matching offers and requests for assistance through such means as assistance templates, or other information submitted to the Committee;

The Committee will:

- Create a comprehensive table, which will include all the instruments already developed by the Committee that facilitate delivery of technical assistance

(v) Urging States and international, regional and subregional organizations to inform the Committee, as appropriate, of areas in which they are able to provide assistance (see appendix A);

The Committee will:

- Process incoming assistance requests within one week of receipt
- Continue, with the assistance of its experts, to act as a clearing house, including by collecting up-to-date information on the issue of assistance and by informally contacting States to enquire whether they might be interested in

receiving information on offers of and requests for assistance, and to promote assistance in close consultation with the States concerned

- Strengthen its clearing-house role by playing a similar role with respect to assistance provided by international, regional and subregional organizations, as appropriate
- Coordinate assistance requests to help States, international, regional and subregional organizations offering assistance to work together with States that need such assistance
- Seek to promote exchanges of information and dialogue among States on assistance, including continuous updates to and otherwise maintaining the database on offers of assistance by States and international organizations and the database on requests for assistance by States
- Encourage States to make appropriate use of the background information provided through the legislative database developed by the Committee as well as legislative advice provided by international, regional and subregional organizations, when enacting national implementation laws and measures
- Continue to promote sharing of national experience-sharing and lessons learned, inter alia with a view to providing further general guidance, upon request, to States that are seeking assistance in implementing resolution 1540 (2004)
- Enhance its cooperation with international organizations and develop ways of operating with those organizations on a case-by-case basis, reflecting the variation in each organization's capacity and mandate, with the assistance of proposals from the experts
- Provide, upon request, information to Member States and international organizations to help them to make more effective offers of or, where appropriate, requests for assistance respectively towards implementing obligations under resolutions 1540 (2004), 1673 (2006) and 1810 (2008), using the matrix as a reference tool for facilitating technical assistance
- Provide all States that have offered assistance and, upon request, other international, regional and subregional organizations, with regular updates on assistance requests
- Seek States' consent, as appropriate, to share the matrix the Committee has prepared on their implementation of resolution 1540 (2004) with potential donor States and organizations so potential donors that do not have access to such information could be better informed about States' implementation of resolution 1540 (2004)
- As appropriate, organize meetings of prospective States that have offered assistance and/or international, regional and subregional organizations to share information about ongoing assistance, highlight perceived gaps, and coordinate assistance programmes while eliminating conflicting elements among them
- Encourage States to make use of the assistance programmes offered by the Organization for the Prohibition of Chemical Weapons (OPCW), the

International Atomic Energy Agency (IAEA) and other international organizations

- If specifically asked, help States to prepare their requests for assistance
- Explore with States and international, regional and subregional organizations experience-sharing and lessons learned which are relevant to resolution 1540 (2004), and the availability of programmes which might facilitate implementation of the resolution
- Call upon States and such organizations, if they have not done so previously, to provide the Committee with a point of contact for assistance
- Consider regional approaches to assistance needs and efforts to meet them

4. *Enhancing ongoing cooperation between the Committee and other international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001), respectively;*

The Committee will:

- Enhance its information sharing, coordination on visits to countries, within their respective mandates, technical assistance and other issues of relevance to all three committees, as appropriate
- Continue to participate in the joint briefings to the Security Council

5. *Encouraging and taking full advantage of voluntary financial contributions to assist States in identifying and addressing their needs for the implementation of resolution 1540 (2004); making more effective existing funding mechanisms;*

The Committee will:

- Use the United Nations Trust Fund for Global and Regional Disarmament Activities to move forward with projects and activities immediately
- Promote this Fund through active public diplomacy
- Convene meetings with partners who have available assistance programmes under resolution 1540 (2004)

Implementation of the programme of work

In order to implement the eighth programme of work more efficiently, and for the work of the experts to be more clearly and effectively directed, the Committee will introduce, on a trial basis, a new system of working groups, open to all members of the Committee established pursuant to resolution 1540 (2004). The working groups will focus on important and recurring issues. In addition, the Committee will establish a meeting schedule that strives to meet its objectives efficiently and promptly. Such a schedule will then include periodic feedback by working groups responsible for monitoring progress on:

(i) Monitoring and national implementation;

(ii) Assistance;

(iii) Cooperation with international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001);

(iv) Transparency and media outreach.

All working group meetings will be open to all Council delegations and announced to all Council delegations, and the documents will be circulated to all Council delegations prior to meetings. The work will be organized in a coordinated manner in order to ensure that all delegations, regardless of size, would be able to participate fully in all their activities.

These arrangements are detailed in appendix B, which constitutes a portion of the work programme.

Appendix A

Decision on requested assistance (dated 9 July 2007; S/AC.44/2007/CN.45/Add.1)

The Committee will work with States that have requested assistance to develop a template for requesting assistance specifying the type, subject, scope and modalities of the required assistance. This dialogue with States would culminate in sending a standard letter and template, both as approved by the Committee, to all those States which have already requested assistance in their national reports, explaining the clearing-house role of the Committee and requesting the country to nominate a point of contact or relevant assistance manager.

Decision on assistance offers (dated 20 July 2007; S/AC.44/2007/CN.46/Add.2)

The Committee will work with all those States that have offered assistance to ensure that further details, as available, of such offers or programmes are posted on the Committee's website. This dialogue will be facilitated by seeking more detailed information through a standard letter and template, both as approved by the Committee, from those (as listed on the Committee's website) who have already offered assistance, or who will do so in future.

Decision on procedures on receiving assistance requests (dated 9 July 2007; S/AC.44/2007/CN.45/Add.1)

The Committee will work with the experts in undertaking the following procedures for its work when receiving technical assistance requests:

(a) All requests should receive an acknowledgement reply from the Chair of the Committee (a standard letter thanking them for their interest; suggesting direct dialogue with the experts on the specifics of what they need; attaching, as appropriate, an assistance template, currently under consideration);

(b) Such dialogue with the country concerned would aim to refine the request in line with the needs identified in the matrix; and also bring to the attention of the requesting country any assistance programmes for which it might be eligible (for example, from organizations such as the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the World Customs Organization);

(c) Requests in the form of a brief summary, as approved by the requesting State, would be made available on the website of the Committee in its clearing-house role, with more detailed requests to be made available to States that have offered assistance.

Decision on identification of lessons learned and good practices (dated 26 July 2007; S/AC.44/2007/CN.46/Add.3)

The Committee will seek to identify and, where requested, help advise through its experts, sets of lessons learned and good practices for delivery of assistance to States to fully implement the resolutions. This will be done on the basis of information obtained from States (both recipients and donors) and relevant international, regional and subregional organizations.

Appendix B

Arrangements for a system of working groups to support the eighth programme of work of the Security Council Committee established pursuant to resolution 1540 (2004)

1. *Monitoring and implementation*

This working group will monitor progress on parts 1 and 2 of the eighth programme of work, including work on the comprehensive review and overseeing the status of implementation:

- Explore and execute more effective ways of obtaining missing information
- Make any recommendations deemed necessary for the revisions of matrices
- Consider what methodologies might be appropriate to produce quantitative measures of success within the terms of resolutions 1540 (2004), 1673 (2006) and 1810 (2008)
- Report to the Committee established pursuant to resolution 1540 (2004) after each meeting

2. *Assistance*

This working group will monitor progress on part 3 of the eighth programme of work, including the following:

- Organize work, as appropriate, at regional and subregional levels to help to achieve these objectives
- Process incoming assistance requests in light of the enhanced clearing-house role of the Committee, which now includes matching requests with offers
- Recommend shared experiences to enhance coordination among States offering or considering offering assistance
- Report to the Committee established pursuant to resolution 1540 (2004) after each meeting
- By 31 December 2009, submit a report to the Committee on what has been accomplished, what has worked, and what has not worked

3. *Cooperation with international organizations, including the Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001)*

This working group will monitor progress on part 4 of the eighth programme of work, including the following:

- Lead work with the other committees, their experts and monitoring teams, to expand the common strategy on reporting
- Work with the other committees, their experts and monitoring teams, to develop a more coordinated approach to subregional workshops, in line with paragraph 36 of resolution 1822 (2008), and within respective mandates
- Report to the Committee established pursuant to resolution 1540 (2004) after each meeting

4 Transparency and outreach

This working group will:

- Consider and seize opportunities for industry and media outreach that would complement and support the work of States, which, by operative paragraph 8 (d) of resolution 1540 (2004), are called upon "to develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws"
- Consider and seize opportunities for direct interaction with relevant industries and industry groups
- Identify opportunities to highlight the threat of weapons of mass destruction falling into the hands of non-State actors
- Report to the Committee after each meeting

Each working group will be chaired by a member of the Committee, supported by the staff of the United Nations Office for Disarmament Affairs, the expert staff of the Committee established pursuant to resolution 1540 (2004) and its secretariat, as necessary.

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Letter dated 3 March 2009 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council

In view of the continuing illegal practices being perpetrated in Jerusalem by the Israelis, the Arab Group in New York would like to bring the attention of the Security Council to the criminal attacks being carried out by the Israeli occupation authorities against the important Islamic antiquities in and features of the city of Jerusalem and, in particular, the historic Maman Allah cemetery, where thousands of important Arab and Islamic figures are buried.

After the Israeli Supreme Court approved the building of a so-called museum of tolerance on the remaining land of this historic Islamic graveyard, Israeli bulldozers destroyed historic graves in the Maman Allah cemetery and removed all remaining features thereof, and destroyed the Supreme Islamic Council building that was on the same site.

Such attempts to Judaize the holy city and change its Arab and Islamic character represent a flagrant attack on the rights of Palestinians and the sanctity of their graves, on things that are sacred to Islam and on the Islamic heritage, which the United Nations Educational, Scientific and Cultural Organization has declared should be preserved. Further, such Israeli measures contravene not only the rules of international humanitarian law relating to an occupying Power such as Israel, but also all international norms and the relevant United Nations resolutions, which request Israel to preserve the religious sites and historic antiquities of Jerusalem.

The Arab Group condemns the repeated Israeli acts of aggression that are intended to create a new reality on the ground and Judaize the city of Jerusalem and its religious and historic characteristics, and warns of the consequences of this dangerous and irresponsible step, which will kindle feelings of rage in the Arab and Islamic worlds, given that the Maman Allah cemetery constitutes part of the history of the city of Jerusalem. The Arab Group requests the Security Council to bring pressure to bear on Israel to halt forthwith the continuing acts of aggression and illegal unilateral measures that will increase tension and instability in the region, thereby threatening international security and peace.

The Arab Group is extremely hopeful that your earnest and urgent endeavours will put an end to this situation.

09-25592 (E) 050309 050309

In accordance with Article 54 of the Charter of the United Nations, I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Abdulla M. **Alsaidi**
Ambassador
Permanent Representative of the Republic of Yemen
to the United Nations
Chairman of the Arab Group